

## BOARD OF APPEAL REFERRALS

May 6, 1976

1. Z-3561 John McDevitt  
213-215 Parsons Street, Brighton
2. Z-3563 Andrew Saggese  
353 Commonwealth Avenue, Boston
3. Z-3566 The Stop & Shop Companies, Inc.  
761 Gallivan Boulevard, Dorchester
4. Z-3567 Rose Marie Memmolo  
188 North and 139-145 Richmond Streets, Boston
5. Z-3569 Antoni J. and Krystyna A. Zelechowski  
59 Pinckney Street, Boston
6. Z-3570 29-33 Newbury Street Trust - Donald L. Saunders, Trustee  
33 Newbury Street, Boston
7. Z-3571 Six Union Park Associates  
6(R) Union Park, Boston
8. Z-3573 Emerson College  
534-538 Beacon Street, Boston
9. Z-3574 Boston Housing Authority  
Columbia Point Alcoholism Program  
96-104 Monticello Avenue, Dorchester
10. Z-3575 Phillip Connell - Bay State Laundry Company, Inc.  
66 Temple Street, West Roxbury
11. Z-3576 Boston Edison Company  
52-56 Chatham Street, Boston
12. Z-3577 Nicoletta Lauria  
420 Commercial Street, Boston
13. Z-3583 Khalil G. Laham  
32 Manthorne Road, West Roxbury
14. Z-3598 Public Facilities Department, City of Boston  
East Boston Neighborhood Health Center  
10 Gove Street, East Boston
15. Z-3599-3600 Virginia Realty Trust - Eugene R. Murray, Trustee  
139-141 Coleridge Street, East Boston

## MEMORANDUM

May 6, 1976

TO: BOSTON REDEVELOPMENT AUTHORITY  
FROM: Robert T. Kenney, Director  
SUBJECT: BOARD OF APPEAL REFERRALS

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Hearing: 5/11/76

Petition No. Z-3561  
John McDevitt  
213-215 Parsons Street, Brighton  
near Converse Street

Three-story frame structure - residential (R-.5) district.

Purpose: to legalize existing three-family dwelling.

## Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. A three-family dwelling is forbidden in an R-.5 district.		
Section 14-1. Lot area is insufficient.	2 acres	4,435 sf
Section 14-3. Lot width is insufficient.	200 ft.	39 ft.
Section 14-4. Street frontage is insufficient.	200 ft.	39 ft.
Section 16-1. Height of building is excessive.	2 stories	2-1/2 stories
Section 17-1. Open space is insufficient.	1,000 sf	800 sf
Section 18-1. Front yard is insufficient.	26 ft.	11 ft.

Conversion overcrowds a structure not intended for the density and creates a dangerous precedent in this largely owner-occupied one- and two-family neighborhood. Allston Civic Association is opposed. Recommend denial.

VOTED: In reference to Petition No. Z-3561, brought by John McDevitt, 213-215 Parsons Street, Brighton, for a forbidden use and six variances to legalize existing three-family dwelling in a residential (R-.5) district, the Boston Redevelopment Authority recommends denial. Conversion overcrowds a structure not intended for the density and creates a dangerous precedent in this largely owner-occupied one- and two-family neighborhood. Allston Civic Association is opposed.







Board of Appeal Referrals 5/6/76

Hearing: 5/11/76

Petition No. Z-3563

Andrew Saggese

353 Commonwealth Avenue, Boston  
near Massachusetts Avenue

Four-story structure - general business (B-8-120) district.

Purpose: to change occupancy from one-family dwelling and doctor's office  
to ten apartments and doctor's office.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet the requirements of open space and off-street parking is forbidden in a B-8 district.		
Section 17-1. Open space is insufficient.	50 sf	39 sf
Section 23-1. Off-street parking is insufficient.	4 spaces	0 spaces

Occupancy apparently existing at time of purchase by petitioner. Open space deficiency minimal and mitigated by proximity to public mall.

Recommend approval with parking proviso.

VOTED: In reference to Petition No. Z-3563, brought by Andrew Saggese, 353 Commonwealth Avenue, Boston, for a forbidden use and two variances for a change of occupancy from one-family dwelling and doctor's office to ten apartments and doctor's office in a general business (B-8-120) district, the Boston Redevelopment Authority recommends approval provided petitioner supplies required parking at nearby facility.





2-3563

353 COMMONWEALTH AVE.  
(B.P.)

HEREFORD

STREET

STREET

COMMONWEALTH

GLoucester

HEREFORD

MASSACHUSETTS

BEACON

MARLBOROUGH

COMMONWEALTH

COMMONWEALTH

THE CONSERVATORY HOTEL

GREATER BOSTON  
ACADEMY

NEWBURY

STREET

RAMP

NEWBURY

MASSACHUSETTS

M.T.A.

STATION

MASSACHUSETTS

M.T.A.

STATION



Board of Appeal Referrals 5/6/76

Hearing: 5/18/76

Petition No. Z-3566  
The Stop & Shop Companies, Inc.  
761 Gallivan Boulevard, Dorchester  
near Hallet Street

Supermarket complex - manufacturing (M-1) district.

Purpose: to erect one-story addition to retail structures.

Violation:

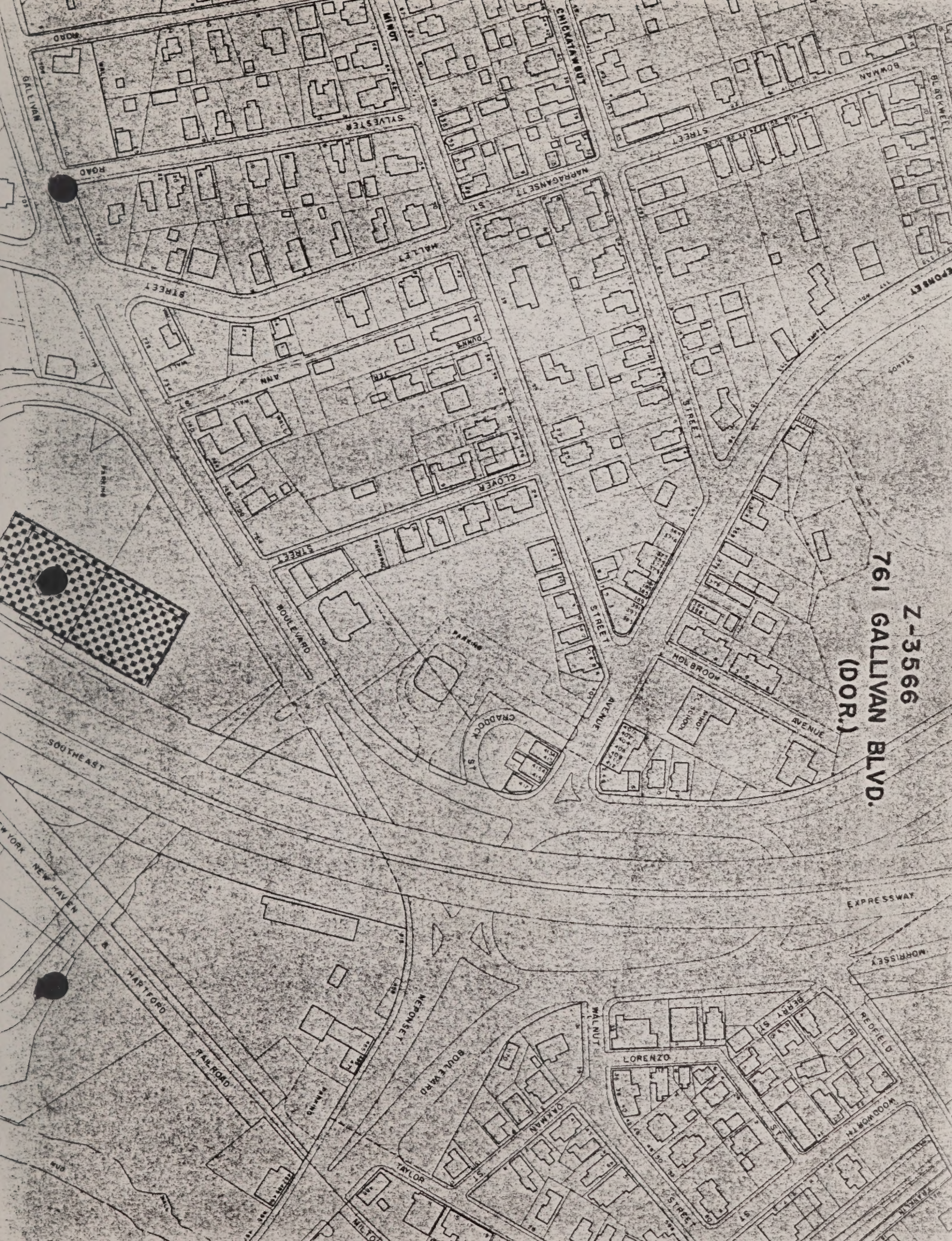
	<u>Required</u>	<u>Proposed</u>
Section 20-1. Rear yard is insufficient.	20 ft.	3 ft.

Rear addition, abutting Southeast Expressway, to be utilized for storage of food products. Variance would not have an adverse impact on the area.

Recommend approval.

VOTED: In reference to Petition No. Z-3566, brought by The Stop & Shop Companies, Inc., 761 Gallivan Boulevard, Dorchester, for a variance to erect a one-story addition to a retail structure in a manufacturing (M-1) district, the Boston Redevelopment Authority recommends approval. Variance would not have an adverse impact on the area.





Z-3566  
761 GALLIVAN BLVD.  
(DOR.)



Board of Appeal Referrals 5/6/76

Hearing: 5/11/76

Petition No. Z-3567  
Rose Marie Memmolo  
188 North and 139-145 Richmond Streets,  
Boston

Six-story structure - local business (L-2) district.

Purpose: to change occupancy from manufacturing, launderette, and three stores to twenty apartments, retail stores, shops, restaurant, and manufacturing of food products.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 17-1. Open space is insufficient.	100 sf	0
Section 23-7. Off-street parking is insufficient.	3 spaces	0

Essentially, the proposal would convert approximately 17,000 square feet of manufacturing space to residential units. Street-level stores-shops and second-floor restaurant are existing. Conversion would be consistent with the neighborhood character. Three years ago the Board of Appeal, with Authority concurrence, approved a similar petition. However, lack of financing prevented the appellant from proceeding at that time. Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3567, brought by Rose Marie Memmolo, 188 North and 139-145 Richmond Streets, Boston, for two variances for a change of occupancy from manufacturing, launderette, and three stores to twenty apartments, retail stores, shops, restaurant, and manufacturing of food products in a local business (L-2) district, the Boston Redevelopment Authority recommends approval provided that adequate off-street parking is supplied within walking distance of the site.





188 NORTH ST.  
139-145 RICHMOND ST.  
BATTERY  
(B.P.)

STREET  
ATLANTIC

STREET  
CLINTON

CONCORD AVE.  
ARLINGTON AVE.  
REVERE AVE.  
ESSEX AVE.

CLINTON

STREET

NORTH

EXPRESSWAY

FITZGERALD

ARTERY

STREET

STREET

STREET

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Board of Appeal Referrals 5/6/76

Hearing: 5/11/76

Petition No. Z-3569  
Antoni J. and Krystyna A. Zelechowski  
59 Pinckney Street, Boston  
near Anderson Street

Four-story structure - apartment (H-2-65) district.

Purpose: to change occupancy from lodging house to six apartments;  
to erect roof dormer.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 15-1. Floor ratio is excessive.	2.	4.
Section 17-1. Open space is insufficient.	150 sf	20 sf

Seven apartment units already exist. Proposed changes would combine two units for owner occupancy and improve property. Violations are existing and technical. Recommend approval.

VOTED: In reference to Petition No. Z-3569, brought by Antoni J. and Krystyna A. Zelechowski, 59 Pinckney Street, Boston, for two variances for a change of occupancy from lodging house to six apartments and to erect a roof dormer in an apartment (H-2-65) district, the Boston Redevelopment Authority recommends approval. Proposed changes would reduce existing occupancy and improve property. Violations are existing and technical.





Z-3569  
59 PINCKNEY ST.  
(B.P.)



Board of Appeal Referrals 5/6/76

Hearing: 5/18/76

Petition No. Z-3570  
29-33 Newbury Street Trust  
Donald L. Saunders, Trustee  
33 Newbury Street, Boston  
near Berkeley Street

Four-story structure - general business (B-4-70) district.

Purpose: to change occupancy from offices to offices, retail bakery, beauty salon, retail art store, restaurant.

Violation:

Section 8-7. A restaurant is conditional in a B-4-70 district.

Essentially, first-floor space would be converted for use as a retail bakery—restaurant. Other uses are existing. Back Bay Association has indicated support. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3570, brought by 29-33 Newbury Street Trust, 33 Newbury Street, Boston, for a conditional use for a change of occupancy from offices to offices, retail bakery, beauty salon, retail art store, and restaurant in a general business (B-4-70) district, the Boston, Redevelopment Authority recommends approval with the following conditions: that plans be submitted to the Authority for design review (facade changes, signs) and to the Health and Hospitals Department for review.





ARLINGTON

STREET

FIRST LUTHERAN CHURCH

20 END

AVENUE

AVENUE

UNITARIAN CHURCH

STREET

ARLINGTON STREET CHURCH

ST.

Z-3570

33 NEWBURY ST.

(B.F.)

AVENUE

PROVIDENCE STREET  
OFF. OF. BOSTON FACULTY  
PARKING UNIT NO. 2

STREET

BOYLSTON

BERKELEY

UNITARIAN FIRST CHURCH IN BOSTON

CLARENDON

BEACON

MARLBOROUGH

COMMONWEALTH

COMMONWEALTH

FIRST BAPTIST CHURCH

NEWBURY

OLD SOUTH CHURCH



Board of Appeal Referrals 5/6/76

Hearing: 5/18/76

Petition No. Z-3571  
Six Union Park Associates  
6(R) Union Park, Boston  
near Shawmut Avenue

One-story masonry structure - apartment (H-3) district - South End  
Urban Renewal Area.

Purpose: to legalize accessory one-car garage.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 20-2. An accessory building may not be nearer than four feet to any side lot line.		
Section 20-7. Rear yard is insufficient:	10 ft.	0

Facility has no apparent effect on the neighborhood. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3571, brought by Six Union Park Associates, 6(R) Union Park, in the South End Urban Renewal Area, for two variances to legalize accessory one-car garage in an apartment (H-3) district, the Boston Redevelopment Authority recommends approval with the proviso that no further additions to the facility be constructed.





Z-3571  
6 (R) UNION PARK  
(B.P.)



Board of Appeal Referrals 5/6/76

Hearing: 6/1/76

Petition No. Z-3573  
Emerson College  
534-538 Beacon Street, Boston  
at Charlesgate East

Ten-story structure - apartment (H-5-70) district.

Purpose: to change occupancy from hotel to dormitory, college classrooms, and restaurant.

Violations:

Section 8-6. A change in a conditional use and a nonconforming use requires Board of Appeal approval.

Section 23-7. Off-street parking is insufficient.

Dormitory, with facilities for 335 students, has existed for approximately eight years. Essentially, petition would create street-level restaurant to accommodate students and public. Staff is opposed to restaurant, as an additional nonconforming use would be a further hardship on the community. A cafeteria limited to students and faculty would be more appropriate. Recommend approval of dormitory and classrooms and denial of restaurant.

VOTED: In reference to Petition No. Z-3573, brought by Emerson College, 534-538 Beacon Street, Boston, for a change of occupancy from hotel to dormitory, college classrooms, and restaurant in an apartment (H-5-70) district, the Boston Redevelopment Authority recommends approval of conversion to dormitory and classrooms with the condition that petitioner submit a comprehensive parking plan to the Authority. The Authority recommends denial of the restaurant. A cafeteria limited to students and faculty would be more appropriate, with design review.



Z-3573

534-538 BEACON ST.  
(B. P.)





Board of Appeal Referrals 5/6/76

Hearing: 6/1/76

Petition No. Z-3574  
Boston Housing Authority  
Columbia Point Alcoholism Program  
96-104 Monticello Avenue, Dorchester  
near Mount Vernon Street

Three-story structure - public housing development - apartment (H-2)  
district.

Purpose: to change occupancy from 36 apartments to 24 apartments and  
alcohol detoxification facility.

Violation:

Section 8-7. Alcohol detoxification facility is forbidden in an  
H-2 district.

Proposed facility would be beneficial to the needs of many of the  
alcoholic mothers residing at Columbia Point. However, the facility  
should be more centrally located on Mount Vernon Street. Recommend  
approval with provisos.

VOTED: In reference to Petition No. Z-3574, brought by the  
Boston Housing Authority and the Columbia Point  
Alcoholism Program, 96-104 Monticello Avenue,  
Dorchester, for a forbidden use for a change of  
occupancy from 36 apartments to 24 apartments and  
alcohol detoxification facility in an apartment  
(H-2) district, the Boston Redevelopment Authority  
recommends approval only with the following provi-  
sos: that the facility be centrally located on  
Mount Vernon Street; that open space be provided  
for the children of mothers residing in the facil-  
ity; that the facility be limited to residents of  
Columbia Point; that plans be submitted to the  
Authority for design review.





Z-3574  
96-104 MONTICELLO AVE.  
(DOR.)



Board of Appeal Referrals 5/6/76

Hearing: 6/1/76

Petition No. Z-3575  
Phillip Connell  
Bay State Laundry Company, Inc.  
66 Temple Street, West Roxbury  
near Tarleton Road

One-story masonry structure - single-family (S-.5) district.

Purpose: to change occupancy from plumbing shop and warehouse to plumbing shop and laundry; extend existing Board of Appeal proviso.

Violations:

Section 8-7. A laundry is forbidden in an S-.5 district.

Section 9-2. A change in a nonconforming use requires Board of Appeal approval.

The laundry plant, allowed only in manufacturing and industrial districts, is an unwarranted increase of a nonconforming use and not appropriate for a predominantly single-family neighborhood. Location of driveway adjacent to railroad viaduct creates a hazardous condition for both pedestrian and vehicular traffic. Site abuts rear yards of residences on Tarleton Road. In January 1975, Board of Appeal granted conditional approval terminating September 1, 1976, contrary to Authority's recommendation of denial.  
Recommend denial.

VOTED: In reference to Petition No. Z-3575, brought by Phillip Connell and Bay State Laundry Company, Inc., 66 Temple Street, West Roxbury, for a forbidden use and a change in a nonconforming use for a change of occupancy from a plumbing shop and warehouse to plumbing shop and laundry in a single-family (S-.5) district, the Boston Redevelopment Authority recommends denial. The laundry plant, allowed only in manufacturing and industrial districts, is an unwarranted increase of a nonconforming use and not appropriate for a predominantly single-family neighborhood. Location of driveway adjacent to railroad viaduct creates a hazardous condition for both pedestrian and vehicular traffic. Site abuts rear yard of Tarleton Road residences.



**Z-3575**  
**66 TEMPLE ST.**  
**(W.R.)**



Board of Appeal Referrals 5/6/76

Hearing: 5/11/76

Petition No. Z-3576  
Boston Edison Company  
52-56 Chatham Street, Boston  
near Merchants Row

6,018 square feet of vacant land - Faneuil Hall Urban Renewal Area -  
general business (B-8) district.

Purpose: to use premises as public parking lot, charging a fee, for 31 cars.

Violation:

Section 8-7. A public parking lot is conditional in a B-8 district.

The proposed facility is located within the boundaries of the parking freeze established by the Environmental Protection Agency Transportation Control Plan for the Boston Metropolitan Region. Petitioner should file a request for a parking freeze permit with the Boston Air Pollution Control Commission.  
Recommend approval.

VOTED: In reference to Petition No. Z-3576, brought by the Boston Edison Company, 52-56 Chatham Street, in the Faneuil Hall Urban Renewal Area, for a conditional use to use premises as a public parking lot charging a fee for 31 cars in a general business (B-8) district, the Boston Redevelopment Authority recommends approval. However, the proposed facility is located within the boundaries of the parking freeze established by the Environmental Protection Agency Transportation Control Plan for the Boston Metropolitan Region. Petitioner should file a request for a parking freeze permit with the Boston Air Pollution Control Commission.





Z-3576  
52-56 CHATHAM ST.  
(B.P.)



Board of Appeal Referrals 5/6/76

Hearing: 5/18/76

Petition No. Z-3577  
Nicoletta Lauria  
420 Commercial Street, Boston  
at Hanover Street

Gas service station - apartment (H-3) district.

Purpose: to change occupancy from gas service station-lubritorium to gas service station-lubritorium and sale of used cars; to combine lots.

Violation:

Section 8-7. The outdoor sale and display for sale of motor vehicles is forbidden in an H-3 district.

Proposed used car facility, with attendant activity, would have an adverse impact on adjacent residential properties in this congested neighborhood.  
Recommend denial.

VOTED: In reference to Petition No. Z-3577, brought by Nicoletta Lauria, 420 Commercial Street, Boston, for a forbidden use for a change of occupancy from gas service station-lubritorium to gas service station-lubritorium and sale of used cars in an apartment (H-3) district, the Boston Redevelopment Authority recommends denial. Proposed used car facility, with attendant activity, would have an adverse impact on adjacent residential properties in this congested neighborhood.





Z-3577  
420 COMMERCIAL ST.  
(B.P.)



Board of Appeal Referrals 5/6/76

Hearing: 6/22/76

Petition No. Z-3583  
Khalil G. Laham  
32 Manthorne Road, West Roxbury  
near Centre Street

2-1/2-story frame structure - single-family (S-.5) district.

Purpose: to change occupancy from two-family dwelling to three-family dwelling.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families is forbidden in an S-.5 district.		
Section 14-2. Lot area is insufficient.	14,000 sf	5,834 sf

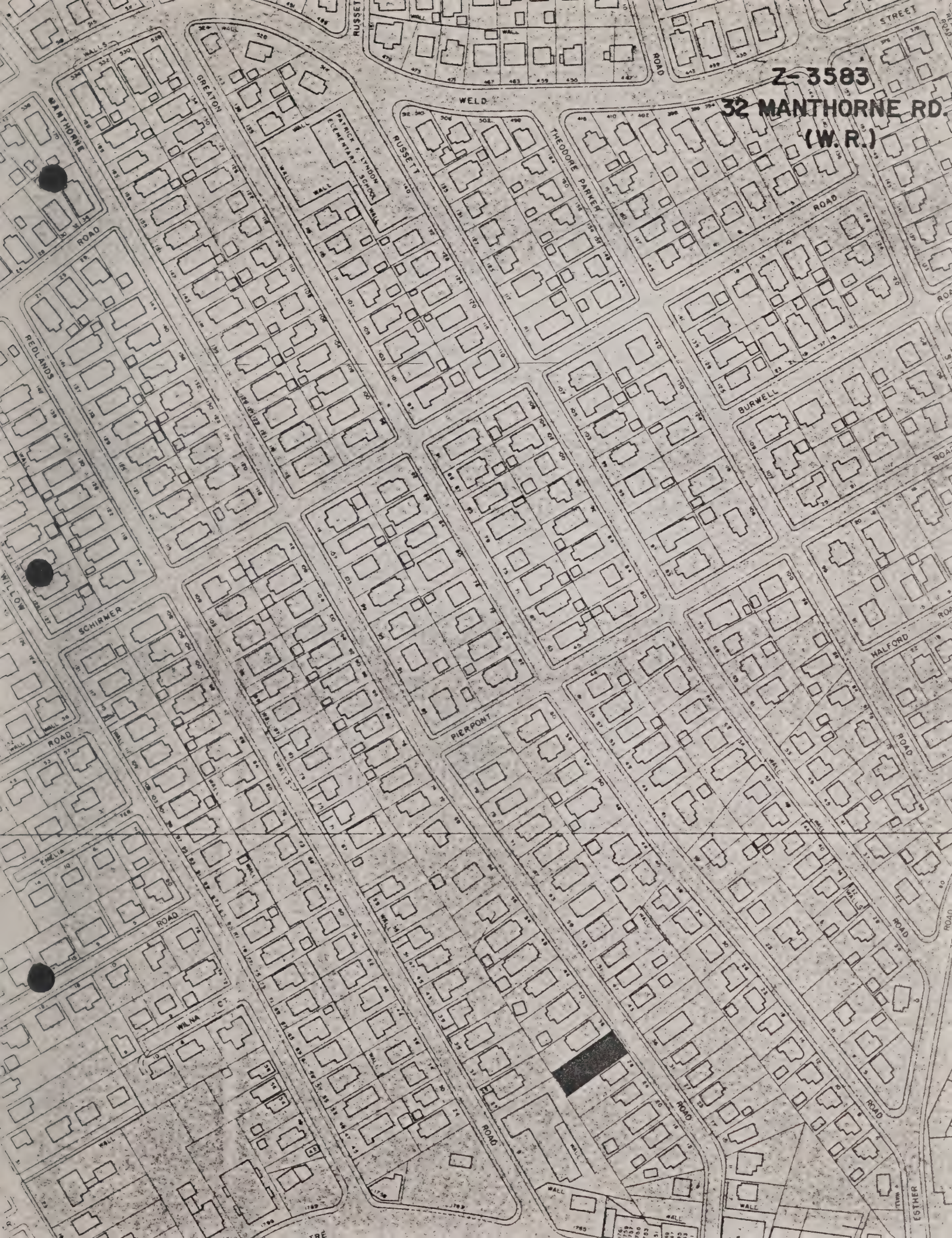
Neighborhood is predominantly one- and two-family residential.  
Recommend approval.

VOTED: In reference to Petition No. Z-3583, brought by Khalil G. Laham, 32 Manthorne Road, West Roxbury, for a forbidden use and a variance for a change of occupancy from a two-family dwelling to a three-family dwelling in a single-family (S-.5) district, the Boston Redevelopment Authority recommends approval.



Z-3583

32 MANTHORNE RD.  
(W.R.)





Board of Appeal Referrals 5/6/76

Hearing: 5/25/76

Petition No. Z-3598  
Public Facilities Department, City of Boston  
East Boston Neighborhood Health Center  
10 Gove Street, East Boston

25,000 square feet of land - general business (B-1) district.

Purpose: to erect three-story neighborhood health facility

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 15-1. Floor area ratio is excessive.	1.0	1.2
Section 23-2. Off-street parking is insufficient.	41 spaces	33 spaces.

There is an existing need for this facility in the community. Parking deficiency is minimal. Recommend approval with design review proviso.

VOTED: In reference to Petition No. Z-3598, brought by the City of Boston Public Facilities Department and the East Boston Neighborhood Health Center, 10 Gove Street, East Boston, for two variances to erect a three-story neighborhood health facility in a general business (B-1) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.



Z-3598  
10 GOVE ST.  
(E.B.)



Board of Appeal Referrals 5/6/76

Hearing: 5/25/76

Petitions Nos. Z-3599-3600  
Virginia Realty Trust  
Eugene R. Murray, Trustee  
139-141 Coleridge Street, East Boston  
near Byron Street

One-story structure and contractor's yard - residential (R-.5) district.

Purpose: to subdivide; to change occupancy from repair and storage of heavy contractor's equipment to union offices (Local 1728, International Association of Machinists and Aerospace Workers), meeting rooms, public hall, accessory uses.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 9-2. A change in a nonconforming use requires Board of Appeal hearing.		
Section 14-4. Access to rear lot is insufficient.	50 ft.	0

Proposed use would be less noxious to the surrounding residential community than the existing contractor's yard with its storage of heavy equipment. Adequate off-street parking would be provided for the facility. Recommend approval with provisos.

VOTED: In reference to Petitions Nos. Z-3599-3600, brought by Virginia Realty Trust, 139-141 Coleridge Street, East Boston, for a change in a nonconforming use and a variance to subdivide land and change occupancy from repair and storage of heavy contractor's equipment to union offices, meeting rooms, public hall, and accessory uses in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval with the following provisos: that there be no lease or rental for non-union functions; that evening meetings be limited to one per week and terminate no later than 12 p.m.; that the use of both lots for storage of contractor's equipment be discontinued; that the parking area be suitably screened by improved landscaping; that plans be submitted to the Authority for design review.



FLAT

Z-3599-3600  
139-141 COLERIDGE ST.

(E:B)

MOD & SAND



